

private corporations so long as a public purpose is served and so long as the other traditional First Amendment requirements are adhered to; would that be a correct statement?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: That is a correct statement, Delegate Gallagher.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Thank you.

THE CHAIRMAN: Are there any further questions?

Delegate James.

DELEGATE JAMES: Mr. Chairman, I would like to ask Delegate Sherbow whether a court would be bound by the second unless, "unless authorized by an act of the General Assembly stating the public purpose". In other words, would the court go behind the declaration and take testimony as to whether a public purpose as a matter of fact was actually being served or is it your intention to give the legislative declaration paramount authority?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: To the extent that you could I would say we intend to give it paramount authority but, of course, I could conceive of a situation where on the face of the law perhaps the question could be raised. I cannot tell you how I could dream it up but I am saying yes to your question, we assume that when the General Assembly has so spoken this is what is meant, this is what it is.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Do you expect the court to accept the statement at face value if it is a reasonable statement of public purpose?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Without question.

THE CHAIRMAN: Are there any further questions of the Committee Chairman?

Delegate James Clark.

DELEGATE J. CLARK: Delegate Sherbow, the last session of the legislature acted on several occasions in authorization of bonds. Of course, many of these or most of them have not been sold at this time and perhaps will not be sold at the time this constitution will become effective.

The question is, will the provisions in this constitution apply to these authorizations which have been made and not yet sold?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: No, it would not for this reason. There should be and will be transitory provisions which would provide for the protection of the laws already passed not yet in effect but going into effect just as they would protect many of the other transitory features of what we are now in the process of doing.

So that you would not revoke bond issues simply because the constitution was in effect and all that had preceded it that had not yet been publicly offered would die.

But this is going to require a transitory provision.

THE CHAIRMAN: Delegate James Clark.

DELEGATE J. CLARK: The question of whether it would die or not was not my main thrust. Could those bonds be sold under these provisions?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: They would be sold under the provisions of the law existing when they were passed.

THE CHAIRMAN: Delegate James Clark.

DELEGATE J. CLARK: They could never be sold under the provisions of the new constitution?

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: Not unless the legislature decided to repeal these laws and re-enact them because what would happen would be the transitory provision should carry them over.

THE CHAIRMAN: Are there any further questions?

The Chair hears none.

Thank you, Delegate Sherbow.

The Chair calls on Delegate Stern to present the minority report.

DELEGATE STERN: Mr. Chairman, members of the Committee, yesterday when I was preparing this and came in and sat down next to Delegate Storm he noticed I had a little cut and asked me what happened. I told him while preparing for this